

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:10CR52
	)	
v.	)	
	)	
THOMAS E. CARODINE,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's objections (Filing No. 62) to the findings and recommendation of the magistrate judge (Filing No. 58) denying defendant's motion to suppress (Filing No. 35). Defendant has raised four objections to the report. He objects to the following findings: (1) that Officer Hunter observed defendant and his son walking toward him on February 22, 2010; (2) that defendant gave consent to allow the officers into his residence on February 22, 2010; (3) that law enforcement had reasonable belief that defendant and/or Richard Holmes would be present in the home on December 18, 2009; and (4) in finding that a protective sweep was justified on February 22, 2010.

The Court has reviewed the transcript of the hearing held by the magistrate judge (Filing No. 60), the exhibits received into evidence and the findings and recommendation (Filing No. 60, pp. 70-84). It could be argued that the first finding to which the defendant objects relating to Officer Hunter

observing defendant and his son walking toward him on February 22, 2010, is not specifically correct. However, it is irrelevant. Officer Hunter testified that he observed defendant and his son get out of the car and walk towards the house. When the officer called out to him, Carodine and his son then walked toward the officer. Other than that slight variation, each of the findings is clearly supported by the testimony received by the magistrate judge, and the Court finds no error in any of those findings. The findings and recommendation will be approved and adopted. Accordingly,

IT IS ORDERED:

- 1) The findings and recommendation of the magistrate judge are approved and adopted.
- 2) Defendant's motion to suppress is denied.
- 3) Trial of this matter is scheduled for:

**Monday, August 16, 2010, at 9 a.m.**

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. This will give the parties time to prepare for trial or pursue plea negotiations, and will accommodate the schedule of the Court. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between June 21, 2010, and August 16, 2010, shall be deemed

excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court